REMARKS

In the office action that was mailed June 29, 2007, claims 1, 2 and 4-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,771,951 to Leonetti. The claim rejections were made final because the Examiner considered the previous claim amendments insufficient to overcome *Leonetti.* Since the claims are now under a final rejection, this response is submitted under 37 C.F.R. §1.116 to place the application and claims in better form for appeal.

The preamble of 35 U.S.C. §102 clearly states that a patent applicant is *entitled* to a patent unless the claimed subject matter lacks novelty under the various sections of 35 U.S.C. §102. Well-established and controlling Federal Circuit case law holds that a claim rejection made under *any* section of §102 requires that *each and every* claim limitation to be disclosed in a *single* reference, either explicitly or impliedly. MPEP §706.02 also states that a §102 claim rejection must be supported by a reference that shows each and every claim limitation.

Independent claim 1 is an apparatus claim. In the applicant's last response, claim 1 was amended to recite that a *hash* generator generates a *hash* value of a mobile node copy of a database when the mobile node copy of the database is *suspected* of being out of synchronization with a network copy of the database.

Independent claim 15 is a method claim. In the applicant's last response claim 15 was amended to recite that a first *hash* value is generated when a network copy and a mobile copy of a database are *suspected* of being out of sync with each other.

In the last response, it was pointed out to the Examiner that while *Leonetti* is directed to database synchronization, *Leonetti* discloses the use of a checksum whereas the pending claims require the use of hash values. It was pointed out to the Examiner that the well-known, well-respected and authoritative Microsoft Computer Dictionary defined a hash code as a numerical transformation. The Microsoft dictionary defined checksum as a sequential combining or an addition of data bytes. The two different definitions in

the Microsoft dictionary thus establish that a checksum and a hash value are different fro each other. It was also pointed out to the Examiner that the word "hash" cannot even be found in *Leonetti*.

The claim rejections should have been withdrawn because of the foregoing indisputable facts, however, it was *also* pointed out to the Examiner that at least one already-issued U.S. patent (U.S. patent 5,864,837) included two dependent claims that were identical except for the fact that one claim was directed to the use of a checksum while the other was directed to a hash value. Under the judicially-created doctrine of claim differentiation, the USPTO's allowance of two claims in the same patent that differ by *only* the recitation of a checksum in one claim and the recitation of a hash code in the other, *requires* the conclusion that even the USPTO itself acknowledges that a checksum is different from a hash value.

On page 13 of the final rejection, the Examiner *admitted* that the word "hash" does not appear in the Leonetti reference. Despite the fact that the word "hash" cannot be found in *Leonetti,* the Examiner nevertheless maintained the rejection of claims 1, 2 and 4-20 because the Examiner found a reference, *on the Internet,* which according to the Examiner, "*explicitly states* that check sum and hash value [sic] are synonymous". (Emphasis added.) The Examiner allegedly found the web site by conducting a "Google search" of the term, "hash checksum."

The Examiners' continued rejection of claims 1, 2 and 4-20 is wrong for at least three reasons.

First, as stated above, well-established and controlling Federal Circuit case law holds that a claim rejection made under *any* section of §102 requires each and every claim limitation to be disclosed in a *single* reference. By admitting that the word "hash" cannot even be found in *Leonetti,* and then having to resort to a secondary, extrinsic reference, found *on the Internet*, demonstrates that *Leonetti* does not expressly or inherently disclose hash values recited in the pending claims. Stated another way, the

Examiner's admission that *Leonetti* does not show or suggest hash values or hash codes, and his resort to an extrinsic reference to attempt to buttress his rejection is enough to establish that the claims are allowable under §102.

Second, even if the Examiner's citation of a secondary reference *on the Internet* was permissible under Federal Circuit case law, the accuhash.com web site is entitled to *no weight* because the accuracy of the information on the web site cannot be reconciled with the Microsoft dictionary nor can the web sites' bona fides be established.

The Verisign.com "WHO IS" report for www.accuhash.com shows that the "accuhash" domain name is owned by Tucows, Inc. The "WHO IS" report provides a phone number for Tucows, Inc., which appears to begin with a country code of "7." Another Internet web site that provides reverse country code listings shows that "7" is the country code for Kazakhstan, Russia. By rejecting the claims because of what was published on the www.accuhash.com web site, the Examiner chose to ignore definitions published by Microsoft, Inc. and instead rely on an obscure web page, published by an unheard-of company, which appears to be located in Kazakhstan, Russia.

Third, in addition to improperly relying on a secondary reference from an unheard of company in Kazakhstan, Russia to reject claims under §102, the Examiner appears to have also misread or misunderstood the reference to boot. The web page, www.accuhash.com/what-is-checksum.htm states that "there are two *slightly different meanings* of [the] checksum term," however, those two "slightly different meanings" for checksum are given to the term, by Tucows, Inc. for a very limited purpose, i.e., the discussion that *it* provides on *its* own web site.

The web site, www.accuhash.com, actually acknowledges that a checksum and a hash value are calculated differently and are therefore different quantities. The web site states that *it* uses, which is to say, "Tucows" uses "checksum" on its web site as meaning the same thing as a hash value. The Examiner has thus misrepresented, misread or misunderstood his own reference. In any case, the Tucows web site does *not* explicity

state that checksum and hash value universally mean the same thing; they mean the same thing, for Tucows' purposes.

As was stated above, 35 U.S.C. §102 states that a patent applicant is *entitled* to a patent unless the claimed invention lacks novelty under one of the sections of 35 U.S.C. §102. Under well-established and controlling Federal Circuit case law, and as stated in MPEP §706.02, rejecting a claim under *any* section of §102 requires that *each and every* claim limitation to be disclosed in a *single* reference, either explicitly or impliedly. Since *Leonetti* does not show or suggest a hash value or a hash code, and since well established and authoritative technical publications and the USPTO agree that checksums and hash values are different, the Examiner's rejection of claims 1, 2 and 4-20 under 35 U.S.C. §102 was improper as a matter of law.

Unless the Examiner intends to ignore controlling Federal Circuit case law and also ignore the MPEP, the rejections of claims 1, 2 and 4-20 must be withdrawn and the claims allowed to issue.

Respectfully submitted,

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